



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21-05-2026

CORAM

THE HON'BLE MR.JUSTICE R.SAKTHIVEL

CRL OP No. 13244 of 2026

WEB COPY

1.Thangaraj
S/o.Ramasamy,
No.3/4, Athukinathupatti Post, Udumalpet
Taluk,
Tiruppur District.

2.Gowtham
S/o.Kannappan
No.4/88, Athukinathupatti Post, Udumalpet
Taluk,
Tiruppur District.

..Petitioners/Accused Nos.1&2

Vs

State Represented by
The Inspector of Police
Gudimangalam Police Station,
Tiruppur District.
(Crime No.123 of 2026)

..Respondent/Complainant

PRAYER: Criminal Original Petition filed under Section 482 of Bharatiya Nagarik Suraksha Sanhita (BNSS) 2023, praying to enlarge the petitioners on bail in the event of their arrest in Crime No.123 of 2026 pending investigation on the file the respondent police.

For Petitioner(s): Mr.M.N.Balakrishnan

For Respondent(s): Mr.A.Gopinath
Government Advocate (Criminal Side)



ORDER

WEB COPY

This Criminal Original Petition has been filed by the petitioners on 18.05.2026 under Section 482 of the Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023, praying to grant an order of pre-arrest bail.

2. The petitioners apprehend arrest at the hands of the respondent-police for the offences punishable under Sections 303(2) of BNS, 2023 (Section 379 of IPC) read with Section 21(1) of the Mines and Minerals (Development and Regulation) Act, 1957, in Crime No.123 of 2026 on the file of the respondent-police.

3. The case of the prosecution is that, on 09.05.2026, the respondent police received a secret information about the illegal transportation of sand. Immediately, the respondent police went to the scene of occurrence and intercepted two tractors bearing Registration Nos.TN-78-AZ-6822 and TN-78-V-8521 and they found that each of the vehicles was illegally transporting 1 unit of gravel sand without prior permission from the competent authority. Hence, the respondent police seized the said vehicles along with the two units of gravel sand. Hence, the case.

4. Mr.M.N.Balakrishnan, the learned counsel for the petitioners, submits

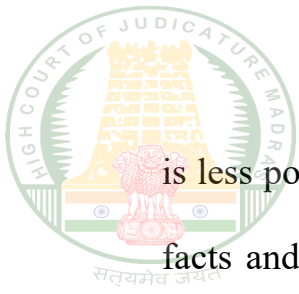


that the petitioners are innocent persons and they have not committed any offence as alleged by the prosecution. He further submits that the petitioners are the drivers-cum-owners of the said vehicles. He however submits that the petitioners are ready to abide any conditions to be imposed by this Court. Accordingly, he prays to grant an order of pre-arrest bail to the petitioners.

5. *Per contra*, Mr.A.Gopinath, the learned Government Advocate (Criminal Side) appearing for the respondent-police, submits that the petitioners/A1 and A2 were found illegally transporting gravel sand by using two Tractors. He however submits that there is no previous cases against the petitioners. He further submits that the investigation of the case is still pending and therefore, at this stage, if the pre-arrest bail is granted to the petitioners, they will commit similar type of offence and cause loss to wealth of the nation. Accordingly, he prays to dismiss this Criminal Original Petition.

6. Heard on both sides. This Court has perused the records.

7. Considering the fact that the petitioners' vehicle along with allegedly transported gravel sand has already been seized by the respondent-police and there is no previous case against the petitioners, this Court is of the view that the custodial interrogation of the petitioners is not necessary. Further, the petitioners have permanent residence and deep roots in the society. Hence, there



is less possibility of absconding. Considering the same and also considering the facts and circumstances of the case, the nature of the offence, the quantity of gravel sand allegedly transported by the accused persons and with a view to give an opportunity to the petitioners to reform themselves, this Court is inclined to grant pre-arrest bail to the petitioners. Accordingly, pre-arrest bail is granted to the petitioners subject to the following conditions:

(i) The petitioners shall be released on pre-arrest bail in the event of their arrest or in the event of their surrender before the **Judicial Magistrate Court-II, Udumalpet**, within a period of 15 days from the date on which the order copy is made ready, on executing a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) along with two sureties each for a like sum of Rs.10,000/- (Rupees Ten Thousand only) to the satisfaction of the **learned Judicial Magistrate-II, Udumalpet**.

(ii) The sureties shall affix their photographs and left thumb impression in the Application for Suretyship [Judicial Form No.46 annexed to 'The Criminal Rules of Practice, 2019']. The learned Judicial Magistrate shall obtain a copy of any one of identity proofs to ensure their identity.

(iii) **The petitioners shall appear and sign before the respondent police every Monday and Friday at 10.00 a.m. until further orders.**

(iv) The petitioners shall make themselves available for interrogation by a police officer as and when required.

(v) The petitioners shall not, directly or indirectly, make any inducement,



threat or promise to any person acquainted with the facts of the case so as to dissuade them from disclosing such facts to the Court or to any police officer.

WEB COPY

(vi) The petitioners shall also not, directly or indirectly, cause any threat to the defacto complainant and witnesses and shall not tamper the evidence.

(vii) The petitioners shall not leave India without prior permission of the Court.

(viii) The petitioners shall furnish their residential address and mobile number to the learned **Judicial Magistrate-II, Udumalpet**.

(ix) On breach of any of the aforementioned conditions, the learned **Judicial Magistrate-II, Udumalpet** or Trial Judge, as the case may be, is entitled to pass appropriate orders against the petitioners in accordance with law as if the aforementioned conditions are imposed by them as laid down by the Hon'ble Supreme Court in ***P.K. Shaji vs. State of Kerala [(2005) 13 SCC 283]***.

8. Accordingly, this Criminal Original Petition is allowed subject to the conditions stated *supra*.

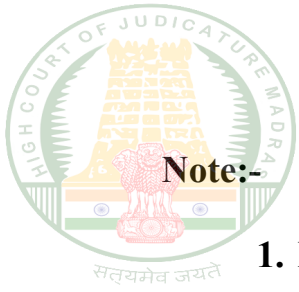
21-05-2026

Index: Yes/No

Speaking/Non-speaking order

Neutral Citation: Yes/No

KSA-2/SSI



Note:-

1. Registry is directed to forthwith upload this order in the official website of this Court.

2. All concerned to act on this order being uploaded in official website of this Court without insisting on certified hard copies. To be noted, this order when uploaded in official website of this Court will be watermarked and will also have a QR code.

To

1. The Judicial Magistrate-II, Udumalpet
2. The Inspector of Police
Gudimangalam Police Station,
Tiruppur District.
3. The Public Prosecutor,
High Court, Madras.



WEB COPY

CRL OP No. 13244 of 2



R.SAKTHIVEL, J.

KSA-2

CRL OP No. 13244 of 2026

21-05-2026